

Message Text

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R 102344Z SEP 75
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO

LIMITED OFFICIAL USE STATE 215698

E.O. 11652: N/A

TAGS: PFOR, CI

SUBJECT: EXTRADITION TREATY NEGOTIATIONS -- CHILE

REF: (A) SANTIAGO 6088; (B) STATE 199455

DEPARTMENT COMMENTS ON REF. A ARE AS FOLLOWS:

ARTICLE VII - PARA 5C - DEPARTMENT REVIEWING PROPOSAL OF
GOC AND WILL RESPOND AT LATER DATE.

ARTICLE VIII - DEPARTMENT ASSUMES SUBSTITUTION OF "IN" FOR
"OF" IN LINE 3 ENGLISH TEXT WAS ACCEPTED. PLEASE INDICATE
IF THIS CORRECT.

RE USE OF "RECLAMADA" AFTER WORD "EXTRADICION IN SPANISH
TEXT, LINE 3, DEPARTMENT ALSO CONFUSED. INSERTION THAT WORD
WAS NOT IN EARLIER DRAFTS, WAS NOT PROPOSED BY DEPARTMENT
IN REF B, AND, IN OUR VIEW, SHOULD NOT BE INCLUDED. TEXT
WAS CORRECT AS WE SEE IT.

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RE ALTERATION OF FIRST PART OF LINE 4, DEPARTMENT
REQUESTED THAT "ESTADO" BE RETAINED FOR ALIGNMENT WITH
"COUNTRY" IN ENGLISH TEXT. PROPOSED ALTERATION IS THUS
SUBSTANTIVE CHANGE AFFECTING ALIGNMENT OF TEXTS. FOR THIS

REASON REQUEST LINE BE LEFT WITHOUT REVISION.

DELETION OF 'LAS" BEFORE "GARANTIAS" AND COMMA AFTER
"UFICIENTES" IS ACCEPTABLE.

ARTICLE XI - RE SINGULARIZING OF "EMANDOS", DEPARTMENT
AGREES WITH ARTEAGGA AND APOLOGIZES FOR ERROR.

RE USE OF "DEBAN", ON REVIEW WE AGREE ARTEAGA CORRECT.
TEXT SHOULD BE UNCHANGED.

ARTICLE XII - DEPARTMENT'S PROPOSAL TO CHANGE "SE
ANUNCIA, ETC" TO "SE INDICA, ECT" WAS TO REMEDY A SUBSTAN-
TIVE PROBLEM IN ALIGNMENT OF THE TEXTS. IN THE ENGLISH
TEXT, THE PHRASE, "INDICATES THE PURPOSE (REPEAT PURPOSE)
FOR THE REQUEST OF EXTRADITION" IS INTENDED TO REQUIRE THE
REQUESTING STATE TO SPECIFY WHY THE REQUEST FOR EXTRADI-
TION WILL BE MADE -- E.G. FOR THE PURPOSE OF PROSECUTING
AN ACCUSED OR REQUIRING HIM TO COMPLETE A PARTIALLY
SERVED OR UNSERVED SENTENCE. AS WE TRANSLATE PRESENT
SPANISH TEXT, THE PHRASE READS "INDICATES THE INTENTION
(REPEAT INTENTION) OF REQUESTING EXTRADITION" WHICH IS
SUBSTANTIALLY DIFFERENT. THE SPANISH TEXT MERELY REQUIRES
A STATEMENT OF INTENT TO REQUEST NOT THE PURPOSE OF THE
REQUEST ITSELF. PERHAPS THE MATTER COULD BE CLARIFIED BY
PROPOSING THE FOLLOWING TEXT (IN LIEU OF PHRASE PROPOSED
IN REF B: "SE ANUNCIA EL PROPOSITO DE LA EXTRADICION
QUE SE PIDE". KISSINGER

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